

Introduction

Recognizing the strong public need for a nationwide system of parks and other recreational and public purpose areas, the Congress, in 1954, enacted the Recreation and Public Purposes Act as a complete revision of the Recreation Act of 1926. This law is administered by the Bureau of Land Management.

The act authorizes the sale or lease of public lands for recreational or public purposes to State and local governments and to qualified nonprofit organizations. Examples of typical uses under the act are historic monument sites, campgrounds, schools, fire house, campgrounds and parks.

A pamphlet designed to guide prospective applicants in obtaining lands and benefits under the act is available from the Milwaukee Field Office. Department of the Interior regulations for the Recreation and Public Purposes Act are found in Title 43 of the Code of Federal Regulations (43 CFR), Parts 2740 (Sales) and 2912 (Leases).

What Lands Are Covered By the Act?

The act applies to all Public Lands, except lands within national forests, national parks and monuments, national wildlife refuges, Indian lands, and acquired lands.

How Much Land May Be Purchased?

The amount of land an applicant can purchase is set by law. Whether the land is to be purchased or leased, the BLM will classify for purposes of the act only the amount of land required for efficient operation of the projects described in an applicant's development plan. Applicants should limit the land requested to a reasonable amount. Applicants will be required to first accept a lease, or lease with option to purchase, to assure approved development takes place before a sale is made and a patent (Government deed) is issued. Projects that may include the disposal, placement, or release of hazardous materials (i.e., sanitary landfills) may go directly to patent.

State Agencies

A State or State agencies may purchase for recreation purposes up to 6,400 acres annually, and as many small roadside parks and rest sites, up to 10 acres each, as may be needed. In addition, any State agency may acquire 640 acres annually for each public purpose program other than recreation.

Other Political Subdivisions and Nonprofit Organizations

Counties, cities, or other political subdivisions of a State and nonprofit organizations may purchase up to 640 acres a year for recreation purposes, and an additional 640 acres for other public purposes. These lands must be within the political boundaries of the agency or within the area of jurisdiction of the organization or, in the case of cities, they must lie within convenient access to the municipality and within the same State.

How Much Land May Be Leased?

The Act sets no limitation on the amount of land that may be leased.

The Cost

This Chart summarizes the pricing schedule:

Conveyances		
Proposed Use	Governmental Entities	Nonprofit Entities
Recreation and Historic Monument Purposes	No Cost	50% of FMV, except only 10% discount may be applied if use is restricted
Special Pricing Program Uses	\$10 per acre, with a \$50 minimum per transaction	50% of FMV, except only 10% discount may be applied if use is restricted
Regular Pricing Program Uses	50% of FMV, except only 10% discount may be applied if use is restricted	50% of FMV, except only 10% discount may be applied if use is restricted

Leases		
Proposed Use	Governmental Entities	Nonprofit Entities
Recreation Purposes	No Cost	50% of FMV, except only 10% discount may be applied if use is restricted
Special Pricing Program Uses (includes historic monument purposes)	\$2.00 per acre per year rental, with a \$25 per year minimum transaction	50% of FMV, except only 10% discount may be applied if use is restricted
Regular Pricing Program Uses	50% of FMV, except only 10% discount may be applied if use is restricted	50% of FMV, except only 10% discount may be applied if use is restricted

Commitments

To obtain a lease, applicants must obligate themselves to the following commitments:

- A. Nondiscrimination. Nondiscrimination as to access to the land and facilities based on race, color, religion, sex, age, or national origin in accordance with Title VI of the Civil rights Act of 1964.
- B. Development and Management Plan. To develop and manage the lands in accordance with an approved program of utilization that must include a plan of development and plan of management.
- C. Use Charges. To make no more than reasonable charges for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to use an area than is charged at other comparable installations managed by State and local agencies, all charges to be subject to review and modification by the Secretary of the Interior under due process procedures.

Terms and Conditions

- A. Patents. Patents issued under the recreation and Public Purposes Act convey a restricted title since they contain certain provisions or clauses, which, if not complied with, may result in reversion of the title back to the United States. These provisions are:
 - 1. Certain nondiscrimination clauses providing that the patentee may not restrict or permit restriction on the use of any of the lands conveyed or facilities thereon because of race, creed, color, sex, age or national origin.
 - 2. A provision that, if the patentee or its successor in interest attempts to transfer title or control over the land to another, or the land devoted to a use other than that for which it was conveyed without the consent of the Bureau of Land Management, title will revert to the United States.
 - 3. The patent will stipulate that the lands will be used in perpetuity for the purposes for which they are acquired. The lease or patent may stipulate that certain provisions of the development program, including the management plan, may be subject to review by the Secretary of the Interior or his delegate.
 - 4. All mineral will be reserved to the United States.
- B. Lease Periods. Lease periods may be for any length, but shall not exceed 20 years for nonprofit entities and 25 years for governmental entities.
- C. Lease Terms and Conditions. Leases are issued subject to appropriate environmental and legal stipulations and contain provisions for compliance with:
 - 1. Nondiscrimination based upon race, creed, color, sex, age or national origin.
 - 2. The approved plan of management and development upon which the lease was considered and issued. In addition, leases may be canceled for nonuse or a use other than that for which the lease was issued without prior consent of the BLM.

3. Under certain circumstances, the Federal Government may reserve the standing timber, use water, or place other limitations on the use of natural resources.
4. Other reasonable stipulations as may be required as part of the consideration for the moderate charge being made of the land.

How to Proceed

Anyone intending to submit an application must have a consultation with the Milwaukee Field Office of the BLM prior to submitting an application. The consultation will cover such items as land status, application filing requirements, application processing steps, BLM policies and objectives, management responsibilities of the lessee or patentee and terms and conditions which may be required in a lease or patent, pricing policy, land use planning and time frames for application processing.

With the advice and help of the Milwaukee Field Office, prospective applicants should complete the following steps:

1. Determine that they are qualified to be an applicant under the act and secure evidence that they are legally empowered to lease or hold title to land.
2. Ensure that all the lands to be applied for are needed to accommodate a definite project that serves an actual need and that the project meets established criteria for such a project. Land included in applications for patents or leases must be shown to be part of a definite, well-planned project. A development and management plan and construction schedule are required to ensure proper programming for the future use of the land.
3. Refer to BLM land status records for legal descriptions, acreage and status of lands desired, their availability and nature of any conflicts of record.

Application requirements

Applications are to be made on BLM Form 2740-1. In addition, the application should be accompanied by:

1. A \$100.00 nonrefundable filing fee.
2. Certified copies of the Charter, Articles of Incorporation or Association, or other creating authority, if the applicant is a nongovernmental corporation or association.
3. A certified copy of a resolution or other evidence authorizing the filing of the application and further authorizing the signing officer to execute the application.
4. A draft development plan (including a site plan), and a management plan, to include:
 - a) A statement of the proposed use of the lands, a detailed description of the proposed project

and a statement describing administration of the tract.

- b) The anticipated expenditure for development (including source of funds to be used for development).
- c) A map showing the nature and location of facilities, land ownership of the entire project and access routes. A professionally prepared site plan by a planner or architect is not usually required, but is encouraged and recommended as a means to ensure feasibility of the proposal, both functionally and economically. In some cases, it may be desirable, for budgetary reasons, to submit the plan after the tract has been classified.
- d) Timetable for development.
- e) Explanation of proposed maintenance responsibilities and procedures should be provided. If all or portions of the area are to be preserved in a natural state, the protective measures should be explained.

The extent of the development plan will depend on the character of the land and its acreage, the purpose of the acquisition, the public demand to be served, and other variable factors. It need not be elaborate, but it must include as complete information as can be provided. The plan should anticipate the development required during the first 5 years, with general goals after that period. A principle cause of delay in processing applications has been submission of inadequate plans which require extensive revisions. If the tract is to be incorporated into a larger park or recreation area already established, the program for development of the overall area should be provided, with sufficient modifications as the additional land entails.

Completed applications should be submitted to the:

Milwaukee Filed Office
Bureau of Land Management
310 West Wisconsin Avenue, Suite 450
Milwaukee, Wisconsin 53203414.297.4400

BLM Procedures

After receiving an application, the BLM will:

1. Determine if the proposal is in conformance with land use planning for the area, review land status to determine if the lands are subject to application and determine if the application meets all requirements of the law and regulations.
2. Review the development and management plans to determine their adequacy and effectiveness and evaluate the construction schedule and estimated financing to ensure they are realistic.
3. Obtain the views of other agencies that may have an interest in the lands, including State and local planning and zoning departments.

4. Check for the presence of unpatented mining claims. R&PP leases and patents cannot be issued where mining claims are present. If it is necessary to determine the validity of a mining claim in order to allow the lease, the cost of the determination will be the responsibility of the applicant.
5. Conduct a field examination and other investigations to gather information and data on the environmental considerations and proper classification of the lands.
6. Publish a notice to solicit views and comments from the public concerning the proposal.

Based on its review and evaluation, Bureau officials may approve or disapprove any application in whole or in part, or require its revision.

Responsibility After Lease or Patent

The BLM periodically reviews areas leased or sold under the Act to ensure continued compliance with the terms.

The authorized use and character of the land must conform with the approved plan of development and management plan. Reasonable charges may be made to the public for use of the facilities provided that fees are no more than those charged at comparable publically owned installations. The schedule of charges is subject to review and approval by the Secretary of the Interior.

Title to land acquired under this Act may be transferred to other parties only with the written consent of the BLM (no consent is required if the patent does not contain a reverter clause). If the transfer includes additional uses or changes in use, the uses must be approved by the BLM. The recipient must also meet the qualifications of an applicant under the Act. For example, a State agency may transfer title to a county park commission which will manage the tract. Most patents contain a reverter clause which returns title to the United States if the tract is used for purposes not provided for in the patent and not allowed under the Act.

Each lease contains a termination clause which provides that, if the land has not been used for the purposes specified in the lease, or is being used for another purpose, the lease will be canceled. The lease may also be canceled if the terms of development and management plans are not fulfilled, unless modifications of the plans are approved.

A lease may be assigned to another agency or organization with the written consent of the BLM, if the assignee meets the qualifications of an applicant under the Act. The lessee may surrender the lease or any part of it by filing a relinquishment with the BLM.

Additional information regarding the Recreation and Public Purposes Act may be obtained by contacting the Milwaukee Field Office or any BLM office.

Glossary of Terms Used

- **Classification of Lands:** An action taken, after examination and analysis through the land use planning process, that identifies a tract of public land as being suitable for a specific type of lease or disposal and opened to application under applicable authorities.
- **Land Use plan:** A local BLM planning document designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses.
- **Nonprofit Association or Corporation:** Any institutions, organizations or associations which have been established according to local law and are held by the Internal revenue Service to be tax-exempt.
- **Patent:** A government deed; a document that conveys legal title of public lands to whom the patent is issued.
- **Plan of Development:** An outline of how a definitely proposed and authorized project is to be implemented. The plan includes design drawings, surveys if needed, sketches, cost estimates and construction schedules.
- **Public Lands:** Any lands or interest in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts and Eskimos.
- **Public Purpose:** The purpose of providing facilities or services for the benefit of the public in connection with, but not limited to, public health, safety or welfare. Use of lands or facilities for habitation, cultivation, trade or manufacturing is permissible only when necessary for and integral to, i.e. an essential part of, the public purpose.
- **Special Pricing Program:** A schedule of prices established by the Secretary of the Interior, based upon the fair market value of the property, with a reduction based upon the proposed use.

(Sample)

**Proposed Indian Creek Park
Development and Improvement Plan**

1

Description

The proposed Indian Creek park comprises 80 acres situated around the junction of the east and the West Forks of Indian Creek, and encompasses 1 mile of shoreline along the streams. The site is located 25 miles southwest of Adams (population 18,000). Nevada State Highway 38, an all weather gravel road, leads to within 2 mile of Indian Creek. There are no existing or known proposed public outdoor recreation facilities within 35 miles and this location is the only available site in southwest Adams. The East and West Forks join near the mouth of a steep scenic canyon. The proposed site is on a relatively level benchland supporting an open stand of large ponderosa pines and aspen. Indian Creek provides excellent trout fishing and elk, deer and other wildlife and numerous in the vicinity.

2

Statement of Need

This region is now subject to intense recreational pressures from the local population, especially from Adams, and to a lesser extent from tourists using highway 38. A serious health and litter problem has been created by the use of these undeveloped lands for picnicking and overnight camping and pollution of Indian Creek by human wastes. Recent road counts along Nevada 38 indicate an average weekday traffic flow from April to October of 225 units, while weekends and holidays average 850 units. This traffic is primarily the result of people looking for places to picnic, camp, fish, hike in the mountains or just enjoy nature. Hunters camp in this location during the winter months. There is one public picnic area with 60 units ten miles northeast of Adams and is subjected to severe overuse. During the past several years, this site has shown an average weekend attendance which increased 300 percent (600 visits in 1998 to 1800 visits in 1992). The population of Adams has increased from 9,000 in 1980 to the present 18,000, which is one of the largest percentage increases in the State. With this population growth, new industries have been established in the vicinity, and continued increases in population is to be expected. Scheduled resurfacing of Nevada 38 during the next few years is expected to increase the average daily summer traffic flow from 225 units to more than 1,000 units.

Location

The lands embraced by the proposed park are under various forms of management by this agency (see General Vicinity Map).

Township 4 North, range 62 east of the MD Meridian, Nevada

Section 21	S1/2SE1/4SW1/4	owned fee title
Section 22	S1/2SW1/4SW1/4	owned fee title
Section 27	SW1/4NE1/4NE1/4	leased
Section 28	S1/2NE1/4NE1/4	owned fee title
	NW1/4NE1/4	leased with option to purchase
	N1/2NE1/4NE1/4	own 20' easement along Indian Creek and right-of-way for vehicular traffic

The lands embraced by the instant application will be used as follows:

Section 27	NW1/4NW1/4	Overnight campground and development of foot trails
Section 28	SW1/4NE1/4	Fishing access, overlook and foot trails. No major recreational developments other than foot bridge crossing the West Fork of Indian Creek and contemplated. This tract is desired to act as a buffer between intensive development as exhibited in the camp and picnic grounds and adjoining privately owned lands. Therefore, it is intended that this tract remain in its natural state.

It is urgent that development of public outdoor recreation facilities be initiated in the Indian Creek area. Development of the proposed Indian Creek Park will not only help alleviate the intense demand for such facilities, but will also act as a springboard for the future acquisition and development of similar sites in this area which are now in private ownership.

Concurrence in this project has been obtained from the Routt County Planning Commission. A copy of their comments is enclosed.

Description of proposed improvements and estimated costs of development for lands encompassed by the proposed Indian Creek Park:

Unit 1 Indian Creek Campground (See Site Design)

NW1/4NW1/4, Section 27, T. 4 N., R. 62 E., MD Meridian, Nevada

Surveying, planning and construction of 2 mile interior road, 10 feet wide, graded gravel and crushed stone with 4-inch macadam surface; 10 parking units, 3 inch macadam surface; 2 mile foot trail, 3 feet wide, graveled.

Clearing, leveling and developing of campsites with 20 family units (camping).

Subtotal	\$21,250
----------	----------

Unit 2 (See general Vicinity Map)

SW1/4NE1/4, Section 28, T. 4 N., R. 62 E., MD Meridian, Nevada

2 mile foot trail, 3 feet wide, graveled; 1 foot bridge crossing West Fork Indian Creek, 5 feet wide by 20 feet long, log steel structure.

Subtotal	\$2,000
----------	---------

In addition to the above improvements to be planned on the lands applied for, the following amounts will be expended on county owned or leased land in developing Indian Creek Park.

Subtotal	\$33,000
----------	----------

The 5 year annual rental for the BLM lands applied for, purchase of 30 acres of privately owned land, annual rental of leased private land and final purchase price of the BLM land will require and expenditure of \$6,300 over the five year period.

Subtotal	\$7,800
----------	---------

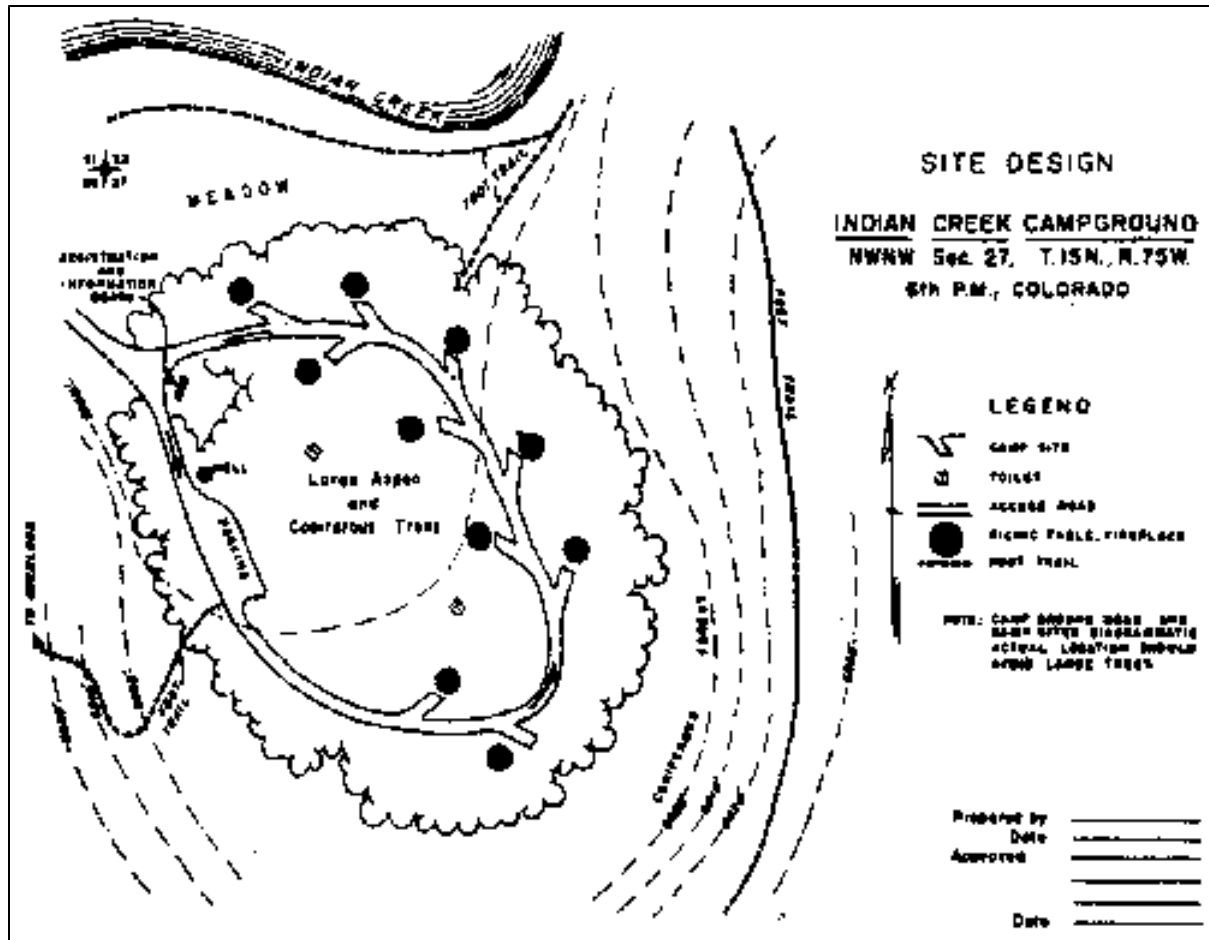
Total	\$64,050
-------	----------

In addition to the above costs, the county will provide maintenance and custodial services.

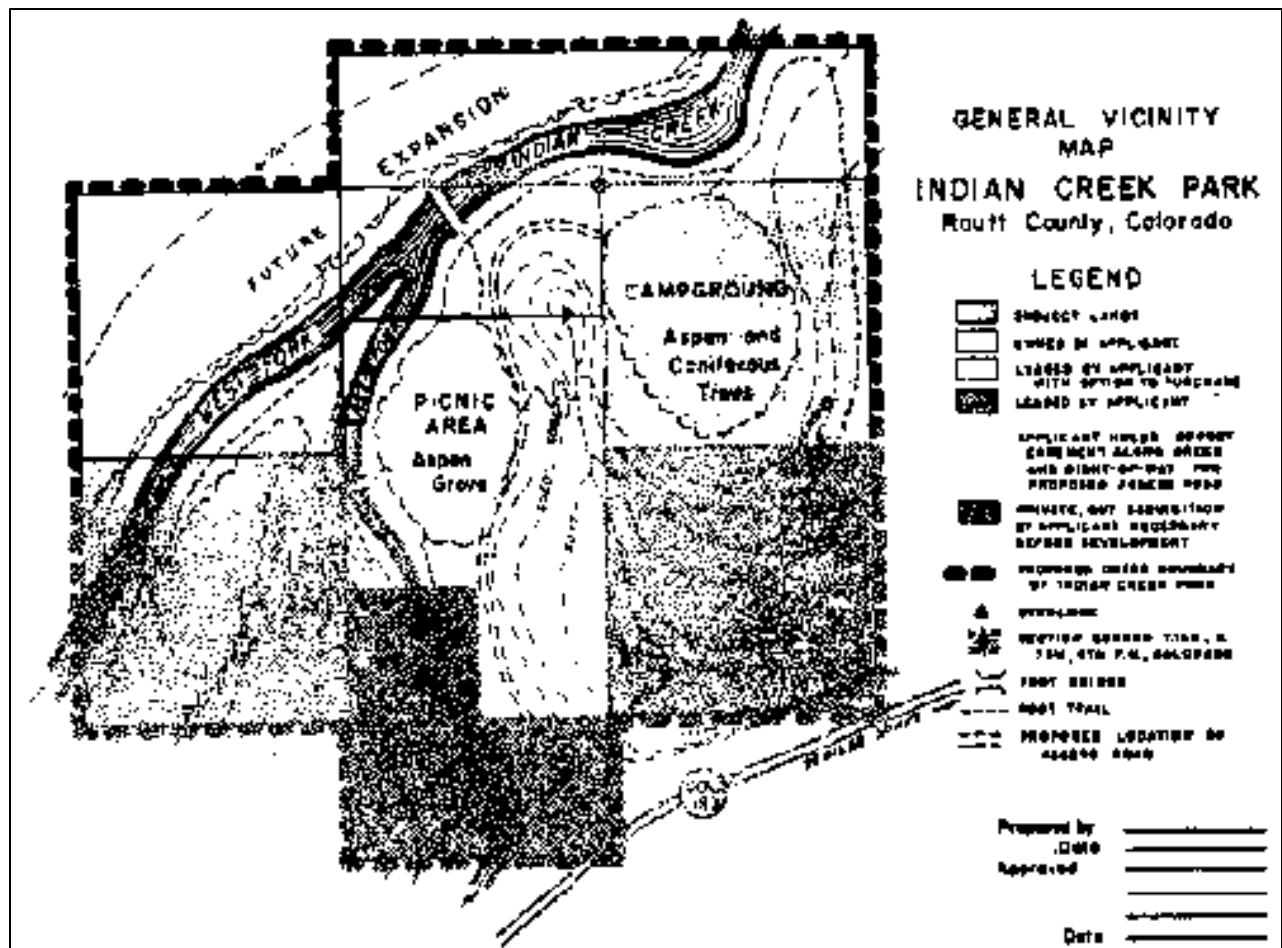
NOTE: Also show source of funds to be used in developing and maintaining the site.

Maps

Site design



General Vicinity Map



Timetable for Development of the Indian Creek Park

The plan is to develop the park over a 5 year period which will commence with the lease of the lands applied for. Prior to the end of the 5 year lease period, construction will be completed and purchase of the BLM lands will be requested. The proposed timetable for development will approximate the following:

First Year

1 Acquisition and rental costs:

Annual rental for BLM lands applied for, 80 acres @ \$2/acre	\$ 160
Annual rental of other property within the park	300
Purchase of 30 acres now impeding full utilization and development of Indian Creek Park	5,500

2.

Development costs:

Survey for road and trail construction; development plans for picnic grounds and campgrounds	5,000
Subtotal (First Year)	\$10,960

Second Year

Annual rental for BLM lands applied for, 80 acres @ \$2/acre	\$ 160
Annual rental of other property within the park	300
Construction of interior access roads and parking area	12,500
Initial construction of picnic grounds	10,000
Initial construction of foot trails	750
Subtotal (Second Year)	\$23,710

Third Year

Annual rental for BLM lands applied for, 80 acres @ \$2/acre	\$ 160
Annual rental of other property within the park	300
Completion of picnic grounds	10,000

Completion of foot trails	750
---------------------------	-----

Subtotal (Third Year)	\$11,960
-----------------------	----------

Fourth Year

Annual rental for BLM lands applied for, 80 acres @ \$2/acre	\$ 160
--	--------

Annual rental of other property within the park	300
---	-----

Initial construction of picnic grounds	5,000
--	-------

Construction of two foot bridges	3,000
----------------------------------	-------

Subtotal (Fourth Year)	\$8,460
------------------------	---------

Fifth Year

Annual rental for BLM lands applied for, 80 acres @ \$2/acre	\$ 160
--	--------

Annual rental of other property within the park	300
---	-----

Completion of campground	7,000
--------------------------	-------

Construction of one foot bridge	1,500
---------------------------------	-------

Subtotal (Fifth Year)	\$8,960
-----------------------	---------

Sixth Year

Purchase of BLM leased lands, 80 acres @ \$10/acre	\$ 800
--	--------

Subtotal (Sixth Year)	\$800
-----------------------	-------

Total for all years	\$64,050
----------------------------	-----------------

Management Plan

In consideration of the nominal annual rental of \$2 per acre per year and final purchase price of \$10.00 per acre, the Routt County Park Commission (through the Board of County Commissioners), agrees to the following commitments, which commitments will be incorporated by reference in the conveyance of the subject lands.

To maintain the lands open to use by the public for recreational purposes without discrimination or favor.

To make no more than a reasonable charge for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to and use of the area than is charged at other comparable installations managed by State and local agencies. The Commission will submit to the Bureau of Land Management its schedule of charges. All charges shall be subject to review for conformance with this requirement and appropriate modification by the Secretary of the Interior or his delegate after reasonable notice and opportunity for hearing.

To develop and manage the lands in accordance with the approved program of utilization, submitted with this application.

To secure the approval of the Secretary of the Interior or his delegate of all plans of construction prior to commencing actual construction.

To maintain in satisfactory condition the facilities on these lands.